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5 Attorneys for Plaintiff, MACKENZIE ANNE THOMAS,
and in behalf of her self and all other similarly situated

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

12 MACKENZIE ANNE THOMA, a.k.a.
13 KENZIE ANNE, an individual and on
behalf of all others similarly situated.

14 Plaintiff

V

16 VXN GROUP LLC, a Delaware limited
17 liability company; STRIKE 3
18 HOLDINGS, LLC, a Delaware limited
liability company; GENERAL MEDIA
SYSTEMS, LLC, a Delaware limited
19 liability company; MIKE MILLER, an
20 individual; and DOES 1 through 100,
inclusive.

Defendants

CASE NO: 2:23-cv-04901-WLH
(AGRx)

[Assigned for all purposes to the Hon.
Wesley L. Hsu]

PLAINTIFF'S EVIDENTIARY OBJECTIONS TO EVIDENCE SUBMITTED BY DEFENDANTS IN THEIR MOTION TO DISMISS COMPLAINT AND CLASS CLAIMS

[Filed Concurrently with Plaintiff's
Opposition to Defendants' Motion to
Dismiss]

HEARING INFORMATION

DATE: July 28, 2023

DATE: July 26, 2014
TIME: 1:00 p.m.

TIME: 1:30
COURTRM: 9B

1 Plaintiff Mackenzie Anne Thoma (“Plaintiff” or “Ms. Thoma”) hereby submits
 2 the following Evidentiary Objections to the Evidence in Support of defendants VXN
 3 Group LLC (“VXN”); Strike 3 Holdings, LLC (“Strike 3”); General Media Systems,
 4 LLC (“GMS”); and Mike Miller (“Miller” and collectively with VXN, Strike 3, and
 5 GMS, “Defendants”) Motion to Dismiss Complaint and Class Claims (the “Motion”)
 6 as follows:

No.	Material Objected to:	Grounds for Objection:	Ruling on Objection:
1.	Declaration of Brad S. Kane [“Kane Decl.”], ¶ 5: “Attached hereto as Exhibit 1 is a true and correct copy of Bibiyan’s <i>Juarez v. Calmet Services, Inc., et al.</i> Complaint filed in Los Angeles Superior Court (“LASC”) on September 13, 2021, and then removed to the Central District for the District of California [sic].”	1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated.	Sustained: Overruled:
2.	Kane Decl., ¶ 6: “Attached hereto as Exhibit 2 is a true and correct copy of Bibiyan’s <i>Rodriguez v. Raising Cane’s USA, LLC, et al.</i> Complaint filed in LASC on August 26, 2022, and then removed to the Central District for the District of California [sic].”	1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated.	Sustained: Overruled:

1	3.	Kane Decl., ¶ 7: “Attached hereto as Exhibit 3 is a true and correct copy of Bibiyán’s <i>Rivero v. Autozoners, LLC, et al.</i> Complaint filed in LASC on March 30, 2023, and then removed to the Central District for the District of California [sic].”	1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated.	Sustained: Overruled:
9	4.	Kane Decl., ¶ 7: “Attached hereto as Exhibit 4 is a true and correct copy of Bibiyán’s <i>Men Chan v. Panera, LLC, et al.</i> Complaint filed in LASC on April 21, 2023, and then removed to the Central District for the District of California [sic].”	1. Relevance (Fed. R. Evid. 401; 403) – The purported complaint in a completely distinct action has no relevance to any of the issues before the Court. 2. Failure to authenticate (Fed. R. Evid. 901 – the evidence is irrelevant and is not properly authenticated.	Sustained: Overruled:

Dated: July 7, 2023

BIBIYAN LAW GROUP, P.C.

BY: /s/ Sarah Cohen

SARAH COHEN

Attorneys for Plaintiff MACKENZIE ANNE THOMA, and on behalf of herself and all others similarly situated

1 **CERTIFICATE OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

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4 I am employed in the County of Los Angeles, State of California. I am over
5 the age of eighteen years and not a party to the within action; my business address is
6 8484 Wilshire Blvd., Suite 500, Beverly Hills, California 90211.

7 I certify that on July 7, 2023, I electronically filed the following document(s)
8 described as **PLAINTIFF'S EVIDENTIARY OBJECTIONS TO EVIDENCE**
SUBMITTED BY DEFENDANTS IN THEIR MOTION TO DISMISS
COMPLAINT AND CLASS CLAIMS, and that they are available for viewing and
9 downloading from the Court's CM/ECF system, and that all participants in the case
10 are registered CM/ECF users and that service will be accomplished by the CM/ECF
11 system.

12 I declare under penalty of perjury under the laws of the State of California that
13 the foregoing is true and correct.

14 Executed on July 7, 2023, at Beverly Hills, California.

15 _____
16 */s/ Bryant Gamez*
17 Bryant Gamez

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